

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

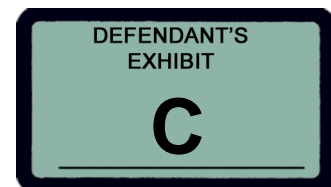
ADAM FRIED, ADMINISTRATOR,)	CASE NO.: 1:22-CV-00061
ESTATE OF DESMOND FRANKLIN,)	
)	JUDGE DAN AARON POLSTER
Plaintiff,)	
)	
vs.)	DECLARATION OF TODD ESSON
)	
JOSE GARCIA,)	
)	
Defendant.)	

I, Todd Esson, am competent to make the following declaration pursuant to 28 U.S.C. §1746, and hereby declare the following:

1. I am a City of Cleveland Division of Police (CDP) Officer, Badge No. 1752. I am a certified paramedic with the State of Ohio. I first obtained my certification in 2004. I worked in the City of Cleveland EMS from 2004 until 2008 as a certified paramedic. I became a CDP Officer in 2008. I also worked as a paramedic in the emergency room at St. Vincent Charity Medical Center from 2004 until 2022 as secondary employment.

2. On April 9, 2020, I was on duty, assigned to day shift in the second district when I heard a radio broadcast for “shots fired” near Riverside Cemetery, in Cleveland, OH. I immediately responded.

3. I was the first CDP on-duty officer at the scene when I arrived at Riverside Cemetery. I observed a maroon Ford that appeared to have crashed through the fence of the cemetery. I observed two off-duty police officers, Officer Garcia and Officer Lopez, who were standing on the other side of the fence, next to a young male who was outside the maroon Ford. I handed one of them a pair of handcuffs to secure the male and went around the car to the driver’s side. I put on my medical gloves as I was walking around the Ford.



4. I observed a male in the driver's seat of the Ford who appeared to have been shot. I observed significant blood loss. I checked for a pulse and detected none. The driver was unconscious and unresponsive. I informed my supervisor Sergeant Lentz who had just arrived that the driver had no pulse and had a gun at his feet. The driver's feet were together, and I saw the gun laying on top of his feet. The gun was covered in blood.

5. At first, Sgt. Lentz instructed me to leave the gun where it was. I stayed next to the driver until the paramedics arrived. I advised the paramedics that the driver had no pulse and that he had a gun at his feet. I retrieved the gun to allow the paramedics to safely pull the driver out of the car.

6. The gun remained in my custody, and I remained next to the maroon Ford, until CDP Homicide Unit Detectives arrived. I did not clear the gun or do anything other than hold it until the Detectives arrived. The Homicide Detectives told me to put the gun where I found it. Since the driver was no longer in the car, I put the gun on the floorboard in the location where it would have been laying on top of his feet. After that, I left the scene.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 23, 2024

Todd Esson
Todd Esson